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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/193,889 | 11/18/98 | MUELLER | ER-035-US-01 |

IM71/1116
HB FULLER COMPANY
PATENT DEPARTMENT
1200 WILLOW LAKE BOULEVARD
ST PAUL MN 55110-5101

EXAMINER
WEISBERGER, R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 1774 | |

DATE MAILED:11/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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PATENT DEPARTMENT
1200 WILLOW LAKE BOULEVARD
ST PAUL MN 55110-5101

IM22/0327

EXAMINER

WEISBERGER, R

ART UNIT

PAPER NUMBER

1774

DATE MAILED:

03/27/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/193,889

Applicant(s)

Mueller et al.

Examiner

Weisberger Richard C.

Group Art Unit

1774



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) 1-16 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 17 and 18 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Claims 1-15 are, drawn to a continuous fibrous composite, classified in class 428, subclass 367.
2. Claims 16, drawn to a container, classified in class , subclass .
3. Claims 17-18 are, drawn to a method of reinforcing a container, classified in class 229, subclass 239.

1. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different effects.

2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Carolyn Fisher on March 24 a provisional election was made with traverse to prosecute the invention of group III, claims 17-18. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-16 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

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named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by *Wosaba et al.* 4784271.

The prior art invention teaches a shipping carton or container that can be readily opened and converted into a display tray without having to use a knife or other sharp instrument. The carton is formed from a blank having four sidewalls and connected top and bottom end panels. The sidewalls have a line of severance running circumferentially around the carton that defines a continuous butt joint separating the carton into a top cover section and a bottom tray section. A wide tape having a narrow tear filament or strip attached to its inner surface is adhesively attached to the sidewalls' outer surface such that it bridges the butt joint and holds the carton's top

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and bottom sections together, the tear strip being substantially superimposed over the butt joint. Pulling the tear filament neatly splits the wide tape and separates the carton's top and bottom sections. Preferably, one of the carton's sidewalls is provided with an access aperture to make it easier to grasp the end of the tear filament therein. The tape is secured to the sidewalls by using, a pressure-sensitive heat-activated or water-activated adhesive, and can be made from a wide variety of materials such as paper; a polyolefin such as polypropylene, polyethylene, or polybutalene; nylon; or a polyester such as polyethylene terephthalate (PET) or Mylar.RTM..

RICHARD WEISBERGER
PRIMARY EXAMINER